

FEDERAL COMMUNICATIONS COMMISSION
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April 15, 2009

Aaron P. Shainis, Esq.
Shainis & Peltzman, Chartered
1850 M Street, NW, Suite 240
Washington, DC 20036

Re: El Sol Broadcasting LLC
WJTI (AM), Racine, Wisconsin
Facility Identification Number: 68759
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed April 14, 2009, on behalf of El Sol Broadcasting LLC ("ESB"). ESB requests special temporary authority ("STA") to operate Station WJTI pursuant to Section 73.1615.¹ In support of the request, ESB states that it is waiting for grant of Application BMP-20081119AHW, and that it will construct modified facilities promptly upon grant of the application.

Section 73.1615, which governs operation during modification of facilities, provides, *inter alia*, that AM licensees holding construction permits for nondirectional facilities may operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the presently licensed coverage area. Our review indicates that the request complies with Section 73.1615, that the requested STA facilities are the same as were previously authorized and that interference to other stations is not likely to occur.

Accordingly, the request for STA IS HEREBY GRANTED. Station WJTI may operate pursuant to Section 73.1615 and the terms and conditions of Construction Permit BMP-20061208ABK. In particular, operation during daytime and nighttime hours from the permit daytime site is authorized. **Operating power shall not exceed 0.35 kilowatt daytime and 0.049 kilowatt nighttime.** It will be necessary to further reduce power or cease operation if complaints of interference are received. ESB must notify the Commission when licensed operation is restored.² ESB must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

¹ WJTI is licensed to Racine, Wisconsin, for operation on 1460 kHz with 0.5 kW daytime and 0.062 kW nighttime, employing a nondirectional antenna (ND-2-U). Construction Permit BMP-20061208ABK authorizes relocation of the daytime and nighttime transmitters and operation from separate daytime and nighttime sites with 0.35 kW daytime and 0.049 kW nighttime (ND-2-U). Application BMP-20081119AHW proposes relocation of the station to West Allis, further relocation of the transmitter, and operation with 1 kW daytime and 0.24 kW nighttime, employing different directional antenna patterns day and night (DA-2-U).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

This authority expires on **October 15, 2009**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: El Sol Broadcasting LLC